

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 71 be amended to read as follows:

- 1       Page 12, between lines 31 and 32, begin a new paragraph and insert:  
2       "SECTION 20. IC 3-10-8-5 IS AMENDED TO READ AS  
3       FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Special  
4       elections are governed by other provisions of this title as far as  
5       applicable.  
6       (b) Except as provided in **section 5.5** or section 7 of this chapter,  
7       IC 3-12-8-17, or IC 3-12-11-18, candidates in special elections shall be  
8       nominated in the same manner as candidates are nominated:  
9       (1) to fill vacancies on the ballot under IC 3-13-1 or IC 3-13-2; or  
10       (2) under IC 3-8-6, if a candidate does not intend to affiliate with  
11       a regular political party or represents a political party not qualified  
12       to nominate candidates at a primary election or by convention.  
13       SECTION 21. IC 3-10-8-5.5 IS ADDED TO THE INDIANA CODE  
14       AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON  
15       PASSAGE]: **Sec. 5.5. (a) This section applies if a court orders a**  
16       **special election resulting from a recount or a contest of a primary**  
17       **election.**  
18       **(b) As used in this section, "candidacy document" has the**  
19       **meaning set forth in IC 3-5-7-6.**  
20       **(c) The court shall order a special primary election to be held**  
21       **not:**  
22       **(1) sooner than forty-five (45) days; or**  
23       **(2) later than ninety (90) days;**

1 after the date of the court's order. However, if a primary election  
 2 is scheduled to be held within the period described by subdivisions  
 3 (1) and (2), the court shall order the special primary election to be  
 4 held on the date of the regularly scheduled primary election.

5 (d) The court shall also order a special general election be held  
 6 not:

7 (1) sooner than forty-five (45) days; or

8 (2) later than sixty (60) days;

9 after the date of the special primary election held under  
 10 subsection (c). However, if a general election is scheduled to be  
 11 held within the period described by subdivisions (1) and (2), the  
 12 court shall order the special general election to be held on the  
 13 date of the regularly scheduled general election.

14 (e) Candidates of a political party that is entitled to hold a  
 15 primary election under IC 3-10-1 must file a declaration of  
 16 candidacy not later than twenty (20) days before the date of the  
 17 special primary election. The following candidates must file a  
 18 candidacy document not later than thirty (30) days before the date  
 19 of the special general election:

20 (1) Candidates of a political party not entitled to hold a  
 21 primary election under IC 3-10-1.

22 (2) Independent candidates.

23 (3) Write-in candidates.

24 (f) Except as provided in this section, this title applies to a  
 25 special primary election or a special general election held under  
 26 this section. The court may issue orders to adjust a deadline for  
 27 completing any action required by this title to accommodate the  
 28 election schedule described in subsections (d) and (e)."

29 Renumber all SECTIONS consecutively.

(Reference is to ESB 71 as printed February 20, 2004.)

---

Representative Aguilera